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10/573,734	03/28/2006	Laurent Tricaud	FR 030116	2254				
65913 NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131	7550 01/27/2009		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">HENRY, MARIEGEORGES A</td></tr></table>		EXAMINER		HENRY, MARIEGEORGES A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/573,734

**Applicant(s)**

TRICAUD, LAURENT

**Examiner**

MARIE GEORGES HENRY

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This is in response to the request for continued examination and amendment filed on 12/22/2008. Claim 1-10 are amended. Claim 13-16 are new. Claims 1-16 are pending. Claims 1-16 directed to a method of playing a multimedia content transmitted by a third-party on a user device.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1, 5, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tung (US 6,948,058 B2)**.

*Tung discloses the invention as claimed including a method of playing a multimedia content transmitted by a third-party on a user device (see abstract).*

Regarding claim 1, Tung discloses a user device comprising:

a network interface configured for communicating via a network (Tung, column 2, lines 25-26, fig. 3, a micro controller is used as an operating interface), and a processor arrangement configured for executing, in parallel (Tung, column 2, lines 32-34, a CPU with a special program provided in the BIOS so that the power on procedure can be correctly changed), each of:

a boot module configured for booting the user device (Tung, column 2, lines 42-48, a multimedia hot keys are provided in order to turn on the computer on the video media procedure),

a receive module configured for receiving, from a third-party device, multimedia content via said network (Tung, column 2, lines 46-53, multimedia chips disclosed are receiving media file from CD-ROM), and

a content player module configured for playing, multimedia content transmitted by said third-party device(Tung, column 2, lines 46-56, filenames in the CD/VCD are read in from CD-ROM driver ).

Regarding claim 5, Tung discloses a method of playing a content on a user device that communicates via a network, said method comprising implementing, in parallel, each of the steps of:

booting said user device (Tung, column 2, lines 42-48, a multimedia hot keys are provided in order to turn on the computer on the video media procedure),

receiving multimedia content from a third-party device to said user device via said network (Tung, column 2, lines 46-53, multimedia chips disclosed are receiving media file from CD-ROM), and

playing multimedia content received from said third-party device (Tung, column 2, lines 46-56, filenames in the CD/VCD are read in from CD-ROM driver ).

Regarding claim 12, Tung discloses a computer readable medium storing program comprising instructions for implementing a method as claimed in claim 5, when executed by a microprocessor of a user device (Tung, column 2, lines 46-47,

initialization is performed at a multimedia chips) .

Regarding claim 13, Tung discloses the user device of claim 1, wherein the processor arrangement is further configured for booting by executing an initial set of operations in response to a user turning on power to the user device (Tung, column 2, lines 46-47, initialization is performed at a multimedia chips by using multimedia hot keys without POST, standard turn on/turn off).

Regarding claim 14, Tung discloses the method of claim 5, wherein the step of booting further includes executing an initial set of operations in response to a user turning on power to the user device (Tung, column 2, lines 46-47, initialization is performed at a multimedia chips by using multimedia hot keys without POST, standard turn on/turn off).

Regarding claim 15, Tung discloses the third-party device of claim 10, wherein the receiver is further configured receiving a first request while the user device is booting by executing an initial set of operations in response to a user turning on power to the user device (Tung, column 2, lines 46-47, initialization is performed at a multimedia chips by using multimedia hot keys without POST, standard turn on/turn off).

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohn et al.** (hereinafter "Cohn") (**US 6,317,791 B1**) in view of **Cromer et al.** (**US 6,304,899 B1**).

*Cohn discloses the invention as claimed including a method of playing a multimedia content transmitted by a third-party on a user device (see abstract).*

Regarding claim 10, Cohn discloses a third-party device for communicating via a network and for implementing a protocol for transmitting multimedia content to a user device via said network, comprising:

a receiver for receiving a first request sent by said user device during booting of the user device (Cohn, column 6, lines 50-60, a request from a browsing device is transmitted to the host server),

the second request asking for the download of a multimedia content, and a transmitter for transmitting a response to said user device, at least if said third-party device has multimedia content to download to said user device (Cohn, column 6, lines 50-60, column 9, lines 47-54 a communication system make it possible for a browsing device to contact a remote server in order to play the data according to predefined conventions; first the browser device attempts to detect an event, a successful connection to a web page; second the browser device connect to the host server for downloading to web page), and

for uploading multimedia content to said user device upon reception of said second request (Cohn, column 5, lines 14-25; column 9, lines 61-65; a system is disclosed that can read, play, a media content before downloading-it; a period of idle separates a first advertisement to a second advertisement).

However, Cohn does not disclose said first request asking whether said third- party device has a multimedia content to download to said user device and for receiving a second request sent by said user device during booting of the user device.



Cromer discloses said first request asking whether said third- party device has a multimedia content to download to said user device and for receiving a second request sent by said user device during booting of the user device (Cromer, column 8, lines 23-36, fig. 3, from a server a booting operation system is launched with a list of application to a particular user's device).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Cromer's booting feature into Cohn's system in order to create a transmitting system with a booting feature in order to load the proper operation system in a plurality of OS environment (Cromer, column 8, lines 11-15).

Regarding claim 11, Cohn discloses a system comprising:

at least a user device that while booting, initiates implementation of a communications protocol and plays multimedia content (Cohn, column 5, lines 14-26, a conventional personal computer is transferring information during start- up ),

However, Cohn does not disclose a third-party device that, while the user device is booting, communicates with the user device during booting using the communications protocol and, while the user device is booting, transmits multimedia

content to the user device and a network over which the communication and transmitting occurs.

Cromer discloses a third-party device that, while the user device is booting, communicates with the user device during booting using the communications protocol and, while the user device is booting, transmits multimedia content to the user device and a network over which the communication and transmitting occurs (Cromer, column 8, lines 23-36, fig. 3, from a server a booting operation system is launched with a list of application to a particular user's device).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Cromer's booting feature into Cohn's system in order to create a transmitting system with a booting feature in order to load the proper operation system in a plurality of OS environment. (Cromer, column 8, lines 11-15)

6. Claims 2-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tung** in view of **Cohn**.

*Tung discloses the invention substantially as claimed including a method of playing a multimedia content transmitted by a third-party on a user device (see abstract).*

Regarding claim 2, Tung discloses a user device as claimed in claim 1 further comprising a memory for storing multimedia content, wherein: a) said receive module for is further configured for:

Although Tung discloses a playing multimedia on power on procedure, he does not disclose transmitting a first request asking whether said third-party device has multimedia content to download to said user device, receiving a response to said first request, sending a second request, depending at least on said response, said second request asking for the download of multimedia content, receiving the requested multimedia content, and

storing the received content in said memory, and b) the content player module is further configured for playing other multimedia content stored in said memory prior to downloading the multimedia.

Cohn discloses transmitting a first request asking whether said third-party device has multimedia content to download to said user device (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ), receiving a response to said first request (Cohn, column 6, lines 50-54, a communication system makes it possible for a browsing device to contact a remote

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server),

sending a second request, depending at least on said response, said second request asking for the download of multimedia content (Cohn, column 6, lines 50-60, a communication system make it possible for a browsing device to contact a remote server in order to play the data according to predefined conventions),

receiving the requested multimedia content (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ), and

storing the received content in said memory (Cohn, column 5, lines 26-39, storage systems that store a media content are disclosed), and

b) the content player module is further configured for playing other multimedia content stored in said memory prior to downloading the multimedia content (Cohn, column 5, lines 14-25, a system is disclosed • that can read, play, a media content before downloading-it).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting system in order to allow a user to run a variety of multimedia content while booting.

Regarding claim 3, Tung discloses a user device as claimed in claim 1 wherein:

Although Tung discloses a playing multimedia on power on procedure, he does not disclose: a) said receive module is further configured for protocol implementing transmitting a request asking for the streaming of multimedia content, and receiving multimedia content streamed by said third-party device in response to said request, and b) the content player is further configured for playing the streamed multimedia content as it is received.

Cohn discloses: a) said receive module is further configured for protocol implementing transmitting a request asking for the streaming of multimedia content (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ), and

receiving multimedia content streamed by said third-party device in response to said request (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ), and

b) the content player is further configured for playing the streamed multimedia content as it is received (Cohn, column 8, lines 2-9, a browsing device event interacts with a user interface of the browsing device to display the media content).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting system in order to allow a user to run a variety of multimedia content while booting.

Regarding claim 4, Tung discloses a user device as claimed in claim 3.

Although Tung discloses a playing multimedia on power on procedure, he does not disclose wherein the content player is further configured to stop playing in response to said booting finishing.

Cohn discloses a system wherein the content player is further configured to stop playing in response to said booting finishing (Cohn, column 8, lines 5-9, a browsing device will stop loading at the end of the booting process).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting system in order to have a booting system tailored on the multimedia content.

Regarding claim 6, Tung discloses a method as claimed in claim 5 of playing a multimedia content on a user device which comprises a memory for storing multimedia content, wherein a) said receiving step includes protocol-implementing steps of:

Although Tung discloses a playing multimedia on power on procedure, he does not disclose transmitting a first request from said user device, said first request asking whether said third-party device has new multimedia content to download to said user device, transmitting a response to said user device, at least if said third-party device has new multimedia content to download, transmitting a second request from said user device depending at least on said response,

said second request asking for the download of said new multimedia content, downloading said new multimedia content from said third-party device to said user device, storing the downloaded multimedia content in said memory, and b) said playing step includes playing multimedia content stored in said memory prior to said downloading.

Cohn discloses transmitting a first request from said user device, said first request asking whether said third-party device has new multimedia content to download to said user device (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ),

transmitting a response to said user device, at least if said third-party

device has new multimedia content to download (Cohn, column 6, lines 50-60, a communication system that allows a user device to contact a remote server in order to play the data according to predefined conventions is disclosed ),

transmitting a second request from said user device depending at least on said response, said second request asking for the download of said new multimedia content (Cohn, column 6, lines 50-54, a communication system makes it possible to a user . device to contact a remote server),

downloading said new multimedia content from said third-party device to said user device (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ),

storing the downloaded multimedia content in said memory (Cohn, column 5, lines 26- 39, storage systems that store media content are disclosed ), and

b) said playing step includes playing multimedia content stored in said memory prior to said downloading (Cohn, column 5, lines 14-25, a system is disclosed that can read, play, a media content before downloading it).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting method in order to allow a user to run a variety of multimedia content while booting.



Regarding claim 7, Tung discloses a method as claimed in claim 5 of playing multimedia content on a user device, wherein:

Although Tung discloses a playing multimedia on power on procedure, he does not disclose: a) said step of receiving includes protocol-implementation steps of transmitting a request from said user device, said request asking for the streaming of multimedia content, and streaming multimedia content from said third-party device to said user device in response to said request, and b) said playing step includes, playing the streamed multimedia content on said user device as it is received.

Cohn discloses: a) said step of receiving includes protocol-implementation steps of transmitting a request from said user device, said request asking for the streaming of multimedia content (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described), and

streaming multimedia content from said third-party device to said user device in response to said request (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ), and

b) said playing step includes, playing the streamed multimedia content on said user device as it is received (Cohn, column 8, lines 2-9, a browsing device event interacts with a user interface of the browsing device to display the media content).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting method in order to allow a user to run a variety of multimedia content while booting.

Regarding claim 8, Tung discloses a method of playing multimedia content as claimed in claim 5.

Although Tung discloses a playing multimedia on power on procedure, he does not disclose wherein the received multimedia content is customized by said third-party.

Cohn discloses wherein the received multimedia content is customized by said third-party (Cohn, column 7, lines 53-55, the most appropriate advertisement is selected).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting method in order to allow a user to run a variety of multimedia content while booting.

Regarding claim 9, Tung discloses a method of playing multimedia content as claimed in claim 5.

Although Tung discloses a playing multimedia on power on procedure, he does not disclose wherein the received multimedia content is compressed (Cohn, column 4, lines 45-46, an application -specific Integrated Circuit is coupled to a video encoder).

Cohn discloses wherein the received multimedia content is compressed (Cohn, column 4, lines 45-46, an application -specific Integrated Circuit is coupled to a video encoder).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cohn accessing and downloading feature into Tung booting method in order to allow a user to run a larger multimedia content while booting.

Regarding claim 16, Tung discloses the system of claim 11, wherein booting the user device includes executing an initial set of operations in response to a user turning on power to the user device (Tung, column 2, lines 46-47, initialization is performed at a multimedia chips by using multimedia hot keys without POST, standard turn on/turn off).

7. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Burke (US 6,819, 340 B2) is made part of the record because of the teaching of QuickLaunch Bar display. Lucovsky et al. (US 6,836,794 B1) is made part of the record because of start menu. Liao et al. (US 7,245,926 B2) is made part of

the record because of download service. Gatto et al. (US 7,297,062 B2) is made part of the record because of gaming services. Kuriyama (US 7,152,091 B2) is made part of the record because of the teaching of downloading Cook (US 7,197,038 B1) is made part of the record because of the teaching of Quality of service.

### **Response to Argument**

8. Applicant's arguments filed on December 22, 2008 with respect to claim 1 under U.S.C. 112 rejection have been considered .The 35 U.S.C. 112 rejection has been withdrawn.

9. Applicant's arguments filed on December 22, 2008 with respect to claims 1-9 and 11-12 under 35 U.S.C. 103 rejection have been considered but are moot in view of the new ground(s) of rejection.

A. The Applicant argues a receiver configured to receive a specific type of request from a device that is booting (Remark page 2, lines 3-4).

The Examiner disagrees Cohn discloses a personal computer where the booting is performed (Cohn, column 5, lines 14-25).

B. The Applicant argues transmission of multimedia during booting (Remark page 2, line 5).

The Examiner disagrees Cohn discloses a communication system make it possible for a browsing device to contact a remote server in order to play the data according to

predefined conventions; first the browser device attempts to detect an event, a successful connection to a web page; second the browser device connect to the host server for downloading to web page (Cohn, column 6, lines 50-60, column 9, lines 47-54).

### **Conclusion**

10. Any inquiry concerning this communication from the examiner should be **directed to Marie Georges Henry whose telephone number is (571) 274-3226**. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Marie Georges Henry/

Examiner, Art Unit 2455

/saleh najjar/

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